

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI**

**DIVISION: 6**

**By HON. WARREN R. DARROW**

**CASE NO. P1300CR20081339**

**JEANNE HICKS, CLERK**

**By: Heather Smith, Deputy Clerk**

**DATE: September 9, 2010**

**FILED**

**DATE: 09/09/10**

**8:34 O'Clock A.M.**

**JEANNE HICKS, CLERK**

**BY: HEATHER SMITH**

**Deputy**

**TITLE:**

**STATE OF ARIZONA**

(Plaintiff)

**Vs.**

**STEVEN CARROLL DEMOCKER**

(D-1)

(Defendant)

**COUNSEL:**

**Yavapai County Attorney (e)**

(For Plaintiff)

**John Sears (e)**

**Larry Hammond & Anne Chapman (e)**

**OSBORN MALEDON, P.A.**

(For Defendant)

**HEARING ON:**

Jury Trial – Day 46

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Roxanne Tarn

**START TIME: 8:34 a.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant  
Steven Carroll Democker, Defendant in Custody

At 8:34 a.m., Court reconvenes with both County Attorneys, all Defense Counsel and the Defendant present, outside the presence of the Jury Panel.

Court addresses the anonymous email. After reviewing the transcripts, Court believes Judge Lindberg has made a very clear ruling and indicates that ruling on the record.

At this time, the Court will not reconsider any previous ruling by Judge Lindberg without some error.

Counsel for State addresses the Court. State requests preclusion of the email.

Counsel for Defendant addresses the Court.

Parties discuss the prejudicial aspect of the email.

At this time, the Court will not permit the anonymous email. Court will further consider the prejudice issue.

Court and Counsel discuss the employment records.

Counsel for State believes an in-camera interview is appropriate.

Counsel for Defendant believes those records need to be provided to Counsel for Defendant.

Counsel for State informs the Court, he would agree to allow Counsel for Defendant to inspect the records; however, does not believe they need a copy of all of the documents. Counsel for Defendant may determine at that time which documents he would like a copy of for their investigation and that will be discussed.

**IT IS ORDERED** Counsel for Defendant may be able to see the records and that there will be no further disclosure of the records without a Court order. Court will reconsider for those which Counsel believes would be necessary.

Counsel for State provides Counsel for Defendant with the records in full for their review.

Counsel for Defendant does not believe he will have adequate time to review the records prior to the witness testifying tomorrow.

Court affirms its previous order.

\*\*\*\*\* Recess at 9:15 a.m. \*\*\*\*\*

At 9:25 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Detective Pam Edgerton resumes testifying, having previously been sworn.

Counsel for State moves for the admission of exhibit 3255. Counsel for Defendant has no objection. Exhibit 3255 is admitted.

Counsel for State moves for the admission of exhibits 2840 and 2841. Counsel for Defendant has no objection. Exhibits 2840 and 2841 are admitted.

Counsel for State moves for the admission of exhibit 3254. Counsel for Defendant has no objection. Exhibit 3254 is admitted.

Counsel for State moves for the admission of exhibit 524. Counsel for Defendant has no objection. Exhibit 524 is admitted.

Court reminds the Jury Panel of the admonition. Court further directs the Jury Panel to not use the preliminary instructions as paper for notes. Court further notes, the Jury Panel may use the Jury Room or the Courtroom, if it is available, for reviewing their notes, during the lunch hour.

At 10:27 a.m., the Jury Panel exits the Courtroom.

Court addresses Counsel as to exhibit 207 which was missing at the end of the previous day. Counsel for State indicates the exhibit was found and provides the exhibit to the Clerk.

\*\*\*\*\* Recess at 10:29 a.m. \*\*\*\*\*

At 10:54 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Detective Pam Edgerton resumes testifying, having previously been sworn.

Court offers questions from the Jury Panel.

Court takes a brief recess to discuss questions from the Jury Panel. Court reminds the Jury Panel of the admonition. The Jury Panel exits the Courtroom at 11:32 a.m.

Court and Counsel discuss the questions from the Jury Panel.

Court indicates to Counsel, during the lunch hour, Counsel are to be aware that the Jury Panel may be allowed to use the Courtroom for review of their jury notes, therefore; Counsel shall keep exhibits and notes so that the Jury Panel cannot see anything.

At 11:47 a.m., the Jury Panel re-enters the Courtroom.

Court relays the questions to the witness.

Witness is excused at this time.

Court notes this is the time for the lunch recess. Court reminds the Jury Panel of the admonition. The Jury Panel shall return at 1:35 p.m.

At 12:04 p.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

Court and Counsel discuss the employment records.

Court would like to end today at 4:00 to allow Counsel for Defendant time to review the records. If more time is needed, Court will address that issue.

\*\*\*\*\* Lunch Recess at 12:14 p.m. \*\*\*\*\*

At 1:42 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Debra M. Sims is sworn and testifies.

Court offers questions from the Jury Panel. Court notes, there are no questions for this witness.

Witness is excused.

Jacqueline Kay Wheeler is sworn and testifies.

Counsel for State moves for the admission of exhibit 229 minus the coversheet. Counsel for Defendant has no objection. Exhibit 229 is admitted without the first page. The first page shall be removed.

Court offers questions from the Jury Panel.

Court and Counsel meet at sidebar to discuss questions from the Jury panel.

Court relays the questions to the witness.

Witness is excused, however; is subject to recall.

Court and Counsel meet at sidebar, on the record, outside the presence of the Jury Panel.

\*\*\*\*\* Recess at 2:51 p.m. \*\*\*\*\*

At 3:06 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

John Farmer is sworn and testifies.

Court offers questions from the Jury Panel.

Court and Counsel meet at sidebar, off the record, outside the presence of the Jury Panel.

Court has not questions for the witness.

Witness is excused.

This is the time for the afternoon recess. Court reminds the Jury Panel of the admonition. All parties shall return at 9:00 a.m. tomorrow morning.

At 3:51 p.m., the Jury Panel exits the Courtroom.

Court and Counsel discuss the sidebar briefly.

Court and Counsel discuss the employment records.

Counsel for State to verify the records provided to Counsel for Defendant are the only records made available to him.

Counsel for State requests the Defendant, personally, not be allowed to review the files.

There shall be no copying or writing down of any information in the files, however; the Defendant may review the information.

Counsel for Defendant requests he be allowed to take the documents home for the evening and return the documents back tomorrow to Counsel for State.

\*\*\*\*\* Recess at 4:04 p.m. \*\*\*\*\*

At 4:42 p.m., Court reconvenes with all Counsel present.

Counsel for Defendant has waived the presence of the Defendant at this time.

Counsel discuss the employment records.

Counsel for Defendant requests a certification from Human Resources and the Sheriff's Department that the records provided are all the records.

Counsel for State will re-confirm that the documents provided are all the documents.

Court directs Counsel for State to get a certification from the Sheriff's Office and Human Resources that the records provided are all the records to include the 9 different categories as indicated and shall be current through now. Counsel for State shall provide the certifications by 12:00 tomorrow.

Counsel discuss the scheduling of witnesses.

Court will provide Counsel with an updated list of pending motions tomorrow morning.

Thereafter, off the record, Court directs the Clerk to remove the first page of exhibit 229 and return the first page to the submitting party. The balance of the document will remain as exhibit 229 and is admitted.

Court adjourns at 4:59 p.m.

cc: Dean Trebesch (Contract Administrator) (PD) (e)  
Christopher DuPont, Trautman DuPont PLC,  
Counsel for Victims Charlotte and Katherine DeMocker  
YCSO – Detention Records (e)  
Victim Services (e)  
John Napper, Counsel for Renee Girard(e)  
Division 6